

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEMOND EL-MUUR,

Petitioner

V.

AKRON POLICE DEPARTMENT,

Respondent

CASE NO. 5:11 CV 892

JUDGE SOLOMON OLIVER, JR.

MEMORANDUM OF OPINION AND ORDER

On May 5, 2011, petitioner *pro se* Demond El-Muur, an inmate at the Summit County Jail, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition does not contain grounds for relief, but states, in the section of the form petition which asks the petitioner to identify the “nature of the offense,” as follows: “Denial of Due Process, Jurisdiction, subject matter, obstruction of justice, conspiracy, Title 18 USC 241 & 242 - 5th Amendment 7th Amendment.” For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b). Petitioner does not indicate any of the circumstances of his detention, including whether he has been convicted or appealed.

It is evident on the face of the petition that El-Muur has not yet appealed the issues sought to be raised in this habeas case. Thus, without regard to the potential merits of any grounds he might seek to assert, the petition is premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

June 3, 2011